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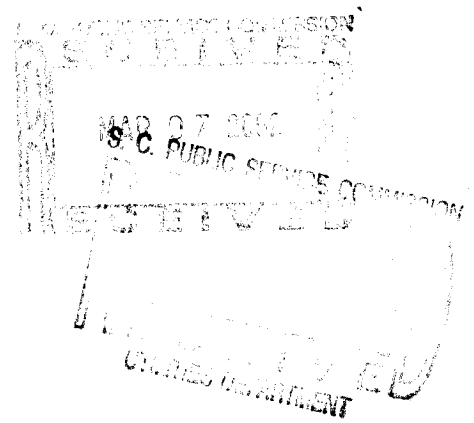
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Mr. Gary E. Walsh, Executive Director  
South Carolina Public Service Commission  
Synergy Business Park, Saluda Building  
101 Executive Center Drive  
Columbia, SC 29210

Re: BellSouth Telecommunications, Inc.  
Section 271 Application  
Docket No. 2001-209-C



Dear Mr. Walsh:

Enclosed for filing please find the Motion on behalf of AT&T Communications of the Southern States, LLC., WorldCom and the Southeastern Competitive Carriers Association to reconsider the Commission's February 14, 2002, Order in the above referenced docket. Please date-stamp the extra copies provided as proof of filing and return them with our courier. By copy of this letter we are serving the same on BellSouth and the other parties of record.

If you have any questions, please have someone on your staff contact me.

Yours truly,

ROBINSON, McFADDEN & MOORE, P.C.

Frank R. Ellerbe, III

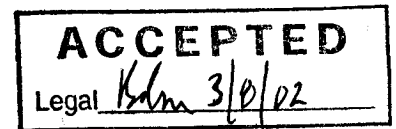
FRE/bs  
Enclosure

cc/enc: All Parties of Record  
Ms. Susan Berlin  
Ms. Nancy Horne  
Andrew M. Klein, Esquire  
Mr. John McLaughlin



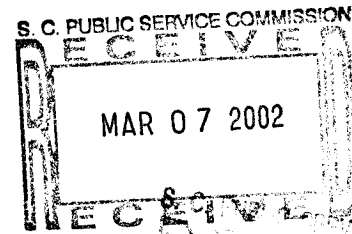
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**BEFORE THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

**DOCKET NO. 2001-209-C**



**IN RE: Application of BellSouth Telecommunications,  
Inc. to Provide In-Region InterLATA Services  
Pursuant to Section 271 of the  
Telecommunications Act of 1996**

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**MOTION ON BEHALF OF  
AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC.,  
WORLDCOM AND THE SOUTHEASTERN COMPETITIVE CARRIERS  
ASSOCIATION TO RECONSIDER THE COMMISSION'S  
FEBRUARY 14, 2002 ORDER**

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AT&T Communications of the Southern States, LLC. ("AT&T"), WorldCom, Inc., and the Southeastern Competitive Carriers Association ("SECCA") file this motion to reconsider the Order of the South Carolina Public Service Commission ("Commission") dated February 14, 2002.<sup>1</sup> In its Order, this Commission recommended BellSouth Telecommunications, Inc. ("BellSouth") for interLATA approval under Section 271 of the Telecommunications Act of 1996<sup>2</sup> ("Act"). In reaching its conclusion, the Commission accepted BellSouth's heavy reliance on the results of the third-party Operational Support Systems ("OSS") testing conducted in Georgia and on performance data produced in a format allegedly approved by the Georgia Public

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<sup>1</sup> Order Addressing Statement and Compliance with Section 271 of the Telecommunications Act of 1996, *In Re: Application of BellSouth Telecommunications, Inc. to Provide In-Region InterLATA Services Pursuant to Section 271 of the Telecommunications Act of 1996*, Docket No. 2001-209-C, Order No. 2002-77 (Feb. 14, 2002) ("Order").

<sup>2</sup> Pub. L. No. 104-104, 110 Stat. 56 (1996), codified at 47 U.S.C. § 251 *et seq.*

RETURN DATE: 01/11/02

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Service Commission.<sup>3</sup> The Commission's Order is based on a record that the Federal Communications Commission ("FCC") has identified as and BellSouth has acknowledged is inadequate. The FCC recently expressed its serious concerns regarding BellSouth's compliance with Section 271 after reviewing the Georgia third-party OSS test and associated performance data in connection with BellSouth's October 2, 2001 joint Georgia and Louisiana Section 271 application.<sup>4</sup> As a result, BellSouth withdrew that application. Accordingly, AT&T, WorldCom and SECCA request this Commission reconsider its February 14, 2002 Order in light of the FCC's concerns.

As in South Carolina, BellSouth alleged in its FCC application that the Georgia independent third-party OSS test in conjunction with performance data demonstrated compliance with the checklist items for both states.<sup>5</sup> BellSouth withdrew its FCC application on December 20, 2001, noting that FCC staff had raised concerns regarding five areas of BellSouth's application.<sup>6</sup> According to BellSouth, the concerns raised by FCC staff were:

- timeliness of evidence demonstrating that competing carriers could integrate or have successfully integrated pre-ordering and ordering functionality;
- BellSouth's performance on service order accuracy;

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<sup>3</sup> Order at 24-25, 49.

<sup>4</sup> In the Matter of *Joint Application of BellSouth Corporation, BellSouth Telecommunications, Inc. and BellSouth Long Distance, Inc. for Provision of In-Region, interLATA Services in Georgia and Louisiana*, CC Docket No 01-277 (2001).

<sup>5</sup> Brief in Support of Application By BellSouth for Provision of In-region, Inter-LATA Services in Georgia and Louisiana, *In the Matter of: Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Georgia and Louisiana*, CC Docket No. 01-277 at 59.

<sup>6</sup> December 20, 2001 *ex parte* filing on behalf of BellSouth, CC Docket No. 01-277 at 1 ("*Withdrawal letter*") (attached as exhibit 1).

- the accuracy of certain performance data;
- the timeliness of evidence on the “double FOC” performance issue related to the due date calculator; and
- the timeliness of evidence related to the allocation of resources in the Change Control Process<sup>7</sup>

FCC Chairman Michael Powell expressed broader concerns:

[Q]uestions remain regarding whether BellSouth has satisfied the rigorous requirements of the statute and [FCC] precedents, including the adequacy of [BellSouth’s] operational support systems, the integrity of its performance data and its change management process, and related issues.<sup>8</sup>

Throughout these proceedings, AT&T and other CLECs provided this Commission evidence that these same deficiencies exist in South Carolina.<sup>9</sup> The FCC took these problems seriously. In its Order, however, this Commission failed to appreciate the import of these problems. As the chart below demonstrates, the concerns expressed by the FCC call into question this Commission’s conclusions on significant issues.

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<sup>7</sup> *Id.*

<sup>8</sup> Statement of FCC Chairman Michael Powell on withdrawal of BellSouth 271 application, December 20, 2001 (“*Powell Statement*”) (attached as exhibit 2).

<sup>9</sup> *See, e.g.*, Tr. at 3630-36 (describing BellSouth’s failure to provide CLECs access to parsing functionality at parity with the parsing it provides itself); Tr. at 3637-39 (describing deficiencies in BellSouth’s due date calculator); Tr. at 3691-3705 (explaining the deficiencies in BellSouth’s Change Control Process); Tr. at 4562, 4714-20, 4727-29 (describing deficiencies in BellSouth’s performance data).

Area of FCC Concern	South Carolina Commission's Position
Adequacy of BellSouth's OSS, including whether BellSouth could demonstrate that competing carriers can successfully integrate pre-ordering and ordering functionality	<p data-bbox="816 296 1430 478">" . . . the Commission is of the opinion that many of the issues raised by the parties are operational in nature and do not rise to a level of concern that would impact the issue of compliance with a checklist item."<sup>10</sup></p> <p data-bbox="816 512 1430 657">"We therefore conclude that BellSouth satisfies the FCC's requirements because it provides CLECs the ability to parse CSRs themselves, as SWBT does in Texas."<sup>11</sup></p> <p data-bbox="816 695 1430 806">"The 271 approval granted by this Order is not contingent on the implementation of CSR parsing."<sup>12</sup></p> <p data-bbox="816 844 1430 1026">"We find under the totality of the circumstances test, BellSouth satisfies its Section 271 obligations by providing nondiscriminatory access to preordering functions."<sup>13</sup></p>
Adequacy of BellSouth's Due Date Calculator in its OSS	<p data-bbox="816 1068 1430 1165">"We therefore find that BellSouth's due date calculations comply with the statutory requirements."<sup>14</sup></p>

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<sup>10</sup> Order at 10.

<sup>11</sup> Order at 54.

<sup>12</sup> Order at 54.

<sup>13</sup> Order at 54.

<sup>14</sup> Order at 56.

Area of FCC Concern	South Carolina Commission's Position
Accuracy of BellSouth's performance data	<p>"The Commission finds that BellSouth's data is reliable and provides a basis upon which this Commission can assess BellSouth's performance."<sup>15</sup></p> <p>"The presence of isolated discrepancies [data integrity issues raised by AT&amp;T] does not indicate lack of integrity in BellSouth's collection and reporting processes . . ."<sup>16</sup></p>
Adequacy of BellSouth's performance on service order accuracy	<p>In the context of BellSouth's missing the benchmark in May 2001 for service order accuracy of local interconnection trunks with ten circuits or more, the Commission stated, "[t]he Commission agrees with BellSouth that 94% service order accuracy is sufficiently high that it would not detrimentally affect CLECs' ability to compete."<sup>17</sup> BellSouth's performance data submitted to this Commission, however, demonstrates BellSouth has failed to meet many of the service order accuracy measures.<sup>18</sup></p>
Adequacy of BellSouth's change control process	<p>"We conclude that BellSouth's change management process ('CCP'), meets the requirements of this checklist item."<sup>19</sup></p>

<sup>15</sup> Order at 25-26.

<sup>16</sup> Order at 27.

<sup>17</sup> Order at 36.

<sup>18</sup> Indeed, the recent Monthly State Summary reports BellSouth has provided this Commission indicates that BellSouth continues to have significant problems in this area. For example, BellSouth missed five out of seven service order accuracy measures in August 2001, missed three out of seven service order accuracy measures in September 2001. In October 2001, BellSouth missed six of the eight service order accuracy measures, and missed four of the nine measures in November 2001. In December 2001, BellSouth missed three out of eleven service order accuracy measures. As this data demonstrates, BellSouth continues to have significant performance problems in this important area.

<sup>19</sup> Order at 69.

Analyzing the very data this Commission reviewed in reaching its conclusions, the FCC and BellSouth decided that BellSouth could not demonstrate compliance with the Section 271 checklist because of these important issues. Accordingly, this Commission should reconsider its decision and should bring these and the other issues relating to OSS, data integrity and change management identified by the CLECs to resolution before any South Carolina application is filed with the FCC.

On this point the FCC has been quite clear, specifically addressing BellSouth's tactics during its first round of 271 filings more than three years ago:

we caution that the Commission [FCC] expects applicants to remedy deficiencies identified in prior orders before filing a new section 271 application, or face the possibility of summary denial.<sup>20</sup>

The FCC also has addressed the responsibilities of state commissions with respect to subsequent 271 applications:

We fully acknowledge and are sensitive to limitations on state commissions' resources for purposes of developing their recommendation of a BOC's 271 applications. We believe, however, that in making its recommendation on a BOC's section 271 application, a state commission may assist us greatly by providing factual information. When a BOC files a subsequent application in a state, it is important for the state commission to provide the factual information gathered and relied upon by the state commission concerning changes that have occurred since the previous application was filed. Thus, for subsequent applications, we encourage state commissions to submit factual records, in addition to their comments, demonstrating that: (1) the BOC has

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<sup>20</sup> *In re Application of BellSouth Corp., BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket No. 98-121, Memorandum Opinion and Order ¶ 5 (rel. Oct. 13, 1998) ("Louisiana II Order") (footnotes omitted).

corrected the problems identified in previous applications; and (2) there are no new facts that suggest the BOC's actions and performance are not longer consistent with the showing upon which this Commission based any determination that the statutory requirements for certain checklist items have been met.

*Id.* ¶ 21 (emphasis added).

The only difference between the BellSouth's recent Georgia/Louisiana Section 271 application and its first Louisiana application is that in this case BellSouth chose to withdraw the former at the last moment rather than face yet another FCC Section 271 rejection order. As a result, this Commission cannot consult an FCC order outlining in detail where BellSouth fell short in its application. Indeed, the obvious reason BellSouth withdrew the application was to prevent such a list of problems from being made public. There is no doubt, however, concerning the main areas that must be addressed: both Chairman Powell's statement and BellSouth's press release identified OSS, change management and data integrity as key.

The language and structure of the Act demonstrate Congress' intent that the FCC and the state commissions should work together in achieving the goal of robust local competition.<sup>21</sup> This is an ideal circumstance in which this Commission can examine BellSouth's Section 271 compliance with full knowledge of the FCC's current concerns. AT&T, WorldCom and SECCA, therefore, request that this Commission reconsider its February 14, 2002 Order in light of the concerns identified by the FCC. Only when BellSouth can establish that it has addressed each of these concerns, should this Commission agree to support BellSouth in its quest for Section 271 relief.


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<sup>21</sup> See 47 U.S.C. § 261(c).



Accordingly, this Commission should reconsider its Order recommending Section 271 approval. When BellSouth notifies this Commission that it believes it has addressed the FCC's concerns, this Commission should set a procedural schedule to review evidence on whether BellSouth meets the Section 271 checklist, including whether BellSouth has satisfied the FCC's concerns.

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By:   
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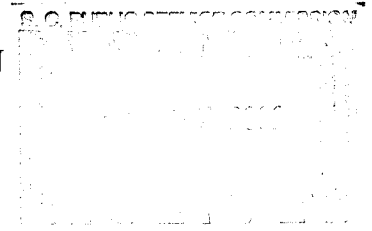
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March 7, 2002.

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**Docket No. 2001-209-C**



**In Re:** )  
 )  
**Application of** )  
**BellSouth Telecommunications, Inc.** )  
**To Provide In-Region InterLATA** )  
**Services Pursuant to Section 271** )  
**of the Telecommunications Act of 1996** )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

This is to certify that I, Barbara Standridge, a legal assistant with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **Motion on behalf of AT&T Communications of the Southern States, LLC., WorldCom and the Southeastern Competitive Carriers Association to reconsider the Commission's February 14, 2002 Order** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

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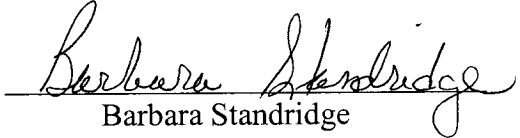
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Dated at Columbia, South Carolina this 7th day of March 2002.

  
Barbara Standridge